

Volume: I

Pages: 1-302

Exhibits: 1-22

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11800-DPW

ADAM HELFAND, CARON HELFAND and MITCHELL
HELFAND,

Plaintiffs,

v.

THE JOHN DEWEY ACADEMY, INC., THOMAS BRATTER,
CAROLE BRATTER, KEN STEINER, and GWENDOLYN
HAMPTON,

Defendants.

Deposition of Adam Helfand

December 20, 2005

10:05 a.m. to 5:03 p.m.

Prince, Lobel, Glovsky & Tye, LLP

585 Commercial Street

Boston, Massachusetts

Reporter: Daria L. Romano, RPR/CRR

1 Q. Sort of?

2 A. Well, I had intercourse but never
3 finished, so I considered myself a virgin.

4 Q. Once or more than once before Gwen?

5 A. Once.

6 Q. Now, am I correct that Gwen became
7 pregnant some time in September of 2001?

8 A. I don't know when she became pregnant.
9 She didn't tell me.

10 Q. Well, the baby was born in the middle
11 of June of 2002.

12 A. Correct.

13 Q. So if you count backwards nine months,
14 you'd get to September.

15 A. Okay.

16 Q. August or September, agreed?

17 A. Agreed. But I wasn't made aware of
18 it, so I don't know the exact date or month. I
19 just know nine months.

20 Q. When did she make you aware of it?

21 A. February of my freshman year.

22 Q. So that would be about four months
23 before the child was born?

24 A. Correct.

1 Q. So you and Gwen had been carrying on a
2 sexual relationship from approximately March of
3 2000 until the fall of 2001; is that right?

4 A. I believe it went on longer than that.

5 Q. I know, but it went at least during
6 that period?

7 A. Correct.

8 Q. And then it continued beyond the fall
9 of 2001 when you were a freshman at
10 Manhattanville?

11 A. Yes.

12 Q. And then she had a baby girl in
13 June of 2002; is that right?

14 A. Is that when it was? Yeah. The
15 summer of my freshman year.

16 Q. June of 2002. And then after that
17 child was born, you continued to have a sexual
18 relationship with Gwen, right?

19 A. Yes.

20 Q. And now we get into your sophomore
21 year, '02, '03?

22 A. Yes.

23 Q. And it continued throughout the
24 balance of 2002 and into some time in 2003; am I

1 correct?

2 A. I don't recall when it ended exactly.

3 Q. Bear in mind that your parents came
4 out to San Diego and you had this conversation
5 with them in March of 2003.

6 A. Okay.

7 Q. Does that help you remember that you
8 continued having sex with Gwen into the year
9 2003?

10 A. I don't remember if it continued into
11 2003, but I know for sure it ended after that
12 visit with my parents in California.

13 Q. So not beyond March of '03?

14 A. Not beyond March of '03.

15 Q. Now, when you were a sophomore at John
16 Dewey Academy?

17 A. Sophomore?

18 Q. I'm sorry, sophomore at Manhattanville
19 and you were then 20 years old and continued to
20 have sex with Gwen after the birth of your
21 child, was that a voluntary act on your part?

22 MR. HARDOON: Objection to the
23 form.

24 Go ahead.

Adam Helfand

75

1 to hear and making things seem okay. So Gwen
2 was the one who was communicating with them.

3 Q. Did you tell anybody at John Dewey
4 Academy while you were a student there that you
5 were having this relationship with Gwen Hampton?

6 A. Not while I was a student at John
7 Dewey Academy.

8 Q. You told me about the discovery of the
9 pictures in the summer.

10 A. That was after I was a student.

11 Q. That's right. And did anyone while
12 you were a student at John Dewey Academy come up
13 to you and say I know what's going on between
14 you and Gwen Hampton?

15 A. Not in the sense that -- people
16 brought to the attention of staff and to Gwen
17 that they believed something was going on
18 between me and Gwen, but nobody really came to
19 me and said -- besides Matt Granderson came to
20 me and said are you having sex or I think you're
21 having sex with Gwen.

22 Q. And you denied it?

23 A. I denied it when Matt approached me.

24 Q. And you never went to Ken Steiner and

Adam Helfand

76

1 told him what was going on between you and Gwen
2 while you were a student, did you?

3 A. I went to Ken Steiner while I was a
4 student and told him of my sexual attraction of
5 Gwen under the advisement of Gwen to do that.

6 Q. Tell me about that.

7 A. well, she had thought it would help,
8 like stop some of the -- like I guess she was
9 getting confrontations from staff. I guess Tom
10 had confronted her a couple of times on her
11 relationship with me, and I guess Ken had
12 confronted her a couple of times. So she
13 thought it would look good if I went up to Ken
14 and said, yeah, I'm sexually attracted to Gwen.
15 So it would look like I was being forthright and
16 honest about it.

17 Q. In fact, it was a deceptive act?

18 A. True.

19 Q. And you did it?

20 A. Correct.

21 Q. And what did you say to him? What did
22 he say to you?

23 A. It didn't come as a big surprise to
24 Ken. I don't remember the exact conversation.

Adam Helfand

77

1 I just knew it wasn't shocking to him, and it
2 pretty much went nowhere other than I informed
3 him that I was attracted to Gwen.

4 Q. What did he say?

5 A. I don't remember his words.

6 Q. And did you ever have a conversation
7 with Tom Bratter in which you told him you were
8 having an affair with Gwen Hampton?

9 A. I never told Tom Bratter I was having
10 an affair with Gwen.

11 Q. Or Carole Bratter?

12 A. I never told Carole Bratter I was
13 having an affair with Gwen.

14 Q. Or any faculty person?

15 A. No faculty person did I tell that I
16 was having sex with Gwen.

17 Q. Now, your drug use, is that voluntary
18 on your part?

19 A. Explain.

20 Q. Your current drug use.

21 A. Today?

22 Q. Yes.

23 A. It's voluntary, but I look at it as
24 more of self-medication.

1 Q. During grades one to six were you in
2 trouble in school?

3 A. I don't even remember what was going
4 on at school one through six.

5 Q. Do you remember your first six years
6 of school?

7 A. Not really. Like I just remember
8 where it was and going to school, but I don't
9 think I got in a lot of trouble.

10 Q. And then junior high school was the
11 Field School. Is that true?

12 A. Yes.

13 Q. That would be seventh grade?

14 A. Sixth.

15 Q. And you say you got into trouble
16 during junior high school?

17 A. I don't think so much in sixth grade.
18 I think there was a big downward slide in
19 seventh grade, seventh and eighth.

20 Q. And what happened that made up that
21 downward slide during seventh and eighth grade?

22 A. Are you referring to -- what are you
23 referring to?

24 Q. Well, you said "downward slide." Tell

1 me what you mean.

2 A. That's when I remember getting in more
3 trouble than usual, like me really starting to
4 get into trouble, like that.

5 Q. Tell me what kind of trouble.

6 A. Trouble in school.

7 Q. What kind of trouble in school?

8 A. Disrespecting authority, teachers,
9 getting in fights. And I know I got caught when
10 I was in junior high shoplifting.

11 Q. Is that the time you shoplifted the
12 cigarettes and condoms?

13 A. Yeah.

14 Q. Seventh grade?

15 A. I don't know what grade it was.

16 Q. Seventh or eighth grade?

17 A. Yeah, one of those.

18 Q. What other kinds of troubles did you
19 have during that downward slide? Started using
20 drugs, did you?

21 A. Yeah, in junior high, I started
22 smoking pot.

23 Q. When did you start selling drugs?

24 A. What do you mean?

1 Q. Well, did you start selling drugs?

2 MR. HARDOON: Wait.

3 Objection. I'm not going to let him
4 answer questions about selling drugs.

5 MR. STEINFELD: You're not?

6 MR. HARDOON: This is during high
7 school.

8 BY MR. STEINFELD:

9 Q. Well, at some point you were selling
10 drugs. You've written about that, right?

11 MR. HARDOON: You can answer that.

12 THE WITNESS: I can?

13 MR. HARDOON: Yes.

14 A. In high school I started selling
15 drugs.

16 Q. Not junior high?

17 A. No.

18 Q. We'll get to high school.

19 Now, what other problems and
20 difficulties were you having in junior high
21 school? You didn't get along with your parents,
22 right?

23 A. Correct.

24 Q. Or your brother?

1 like, criticizing me, they weren't putting me
2 down. They were just getting upset that I was
3 doing poorly.

4 Q. well, how would you describe your home
5 life at the time of this report?

6 A. what year was it? when was this?

7 Q. Just before you turned 16. You were
8 in tenth grade.

9 A. How would I describe my home life?

10 Q. Yes. Happy home life?

11 A. Sometimes. Sometimes happy, sometimes
12 turbulent.

13 Q. You got along okay with your folks?

14 A. At times we got along, other times we
15 didn't.

16 Q. And your brother?

17 A. My brother, I didn't have much of a
18 relationship with my brother.

19 Q. You were using drugs all the time,
20 weren't you?

21 A. Correct.

22 Q. You were high all the time?

23 A. Correct.

24 Q. And you were hanging around with bad

Adam Helfand

110

1 guys, weren't you?

2 A. Yes.

3 Q. And you were stealing?

4 A. Yes.

5 Q. And you were selling drugs?

6 A. In high school, yeah, I sold drugs.

7 Q. And you were destroying property,
8 weren't you?

9 A. Yes.

10 Q. And you were beating people up,
11 weren't you?

12 A. Yes.

13 Q. Did you tell your parents about all
14 that conduct, all the conduct I just recited,
15 did you tell your parents you were doing those
16 things?

17 A. I didn't tell them, but they found out
18 about some of it.

19 Q. When you got caught?

20 A. Right.

21 Q. Now, on the next page of this
22 document --

23 A. 199?

24 Q. Correct.

1 You said, according to this report,
2 that you got into arguments, lost your temper,
3 were stubborn, got into trouble, were lazy and
4 careless.

5 A. What did you just ask me? I'm sorry.

6 Q. Just take a look at the list at the
7 top of the page.

8 A. I see it.

9 Q. That's what you told the school
10 psychologist at the time, right?

11 A. Possibly. I don't remember telling
12 him this, but it's possible.

13 MR. STEINFELD: Now, let me next
14 mark a document called clinical dependency
15 assessment.

16 (Exhibit 9 marked
17 for identification)

18 BY MR. STEINFELD:

19 Q. Do you have Exhibit 8 in front of you?

20 A. No, I have Exhibit 9.

21 Q. 9, I'm sorry.

22 Now, this is a document from somebody
23 named Sarah Thorne11. Do you see her name on
24 the page?

Adam Helfand

169

1 A. When?

2 MR. STEINFELD: We'll mark as the
3 next exhibit a document that was previously
4 marked at the Helfand deposition as Exhibit 18.

5 (Exhibit 12 marked
6 for identification)

7 BY MR. STEINFELD:

8 Q. Exhibit 12 appears to be notes of
9 therapy sessions during the summer of 2003. Do
10 you agree with that?

11 A. Who are these from?

12 Q. Pardon me?

13 A. Who wrote these?

14 Q. Well, I would suggest to you that this
15 refers to your sessions with Sarah Turner.

16 A. Okay.

17 Q. And do you see initial visit at the
18 first page "Visiting on from summer" --

19 A. Yes.

20 Q. -- "to get away from East Coast." And
21 she goes on to say, "Problems related to
22 boarding school two years ago, John Dewey."

23 A. Okay.

24 Q. "Last effort parents had to get him

Adam Helfand

170

1 off of drugs. Very strict school. Punishments,
2 rules, and so forth."

3 Do you see that?

4 A. Yes.

5 Q. Did you tell her that John Dewey was a
6 strict school?

7 A. I may have.

8 Q. With punishments and rules?

9 A. I may have.

10 Q. And it's true that the John Dewey
11 Academy is a strict school with punishments and
12 rules; is it not?

13 A. For the most part.

14 Q. And if you break the rules, you get
15 punished; isn't that true?

16 A. Yes, if you get caught breaking the
17 rules, you get punished.

18 Q. And that's one reason why you were
19 careful or tried not to get caught, because you
20 knew if you were caught, that you would be
21 punished?

22 A. Correct.

23 Q. And that's in general why you've tried
24 not to get caught whenever you've broken rules

Adam Helfand

171

1 in your life, to avoid punishment?

2 A. Correct, for the most part.

3 Q. Now, if you turn to the second page of
4 this document, second paragraph, "Did not tell
5 anyone, couldn't, at John Dewey. He would be
6 reported."

7 That's consistent with what you've
8 told me before today, isn't it?

9 A. No, it's not consistent. There's
10 other reasons besides the fact that I would be
11 reported.

12 Q. Well, one of them was that?

13 A. One of them, yes.

14 Q. "Parents thought Gwen was such a great
15 counselor to Adam. She would call them to let
16 them know how Adam was doing in the program."

17 Have I read that correctly?

18 A. Yeah. But that's not my words.

19 Q. Those are not your words?

20 A. Correct.

21 Q. All right. What you told the
22 counselor in California was that you did your
23 best to keep this Hampton relationship a secret.
24 And that's true?

Adam Helfand

172

1 A. True.

2 Q. Now, this series of meetings took
3 place after your March meeting with your
4 parents?

5 A. Yes.

6 Q. And that March meeting occurred in
7 California, correct?

8 A. Yes.

9 Q. Now, what were you doing in California
10 in March of 2003?

11 A. I was visiting my aunt and my cousin
12 for spring break.

13 Q. In Encinitas?

14 A. Yes.

15 Q. And were you then thinking of
16 transferring to the University of San Diego?

17 A. Yes.

18 Q. And was part of the reason for the
19 parents to come out there for you to interview
20 at the University of San Diego?

21 A. Yes.

22 Q. Did you need your parents out there in
23 order to have those interviews?

24 A. No.

Adam Helfand

174

1 A. No, it's a cafe.

2 Q. And who was there?

3 A. Me, my parents and maybe Holly. I
4 don't remember if she was there or not.

5 Q. Was your mother there?

6 A. Yes.

7 Q. And was this the meeting at which your
8 parents told you that they knew about it?

9 A. Yes.

10 Q. And was this the first meeting when
11 they told you that they knew about it?

12 A. Yes.

13 Q. Now, how did you get to that
14 restaurant?

15 A. I don't know. I don't remember how I
16 got there. Either I got dropped off, or I went
17 with my parents. I don't quite remember.

18 Q. One of your parents has testified that
19 you were taking a train and that your father
20 went and picked you up. Do you remember that?

21 A. No.

22 Q. That's not true?

23 A. I don't remember getting off on a
24 train and going to Mosey's. I just remember

Adam Helfand

175

1 having the meeting at Mosey's.

2 Q. Did you come from Los Angeles?

3 A. I don't remember.

4 Q. You'd remember that, wouldn't you?

5 A. No. I went to Los Angeles a number of
6 times.

7 Q. So what you're saying today is that
8 you and your parents went to this organic
9 restaurant. How long were you at that
10 restaurant?

11 A. When the meeting happened?

12 Q. Yes.

13 A. Maybe an hour.

14 Q. And this was in March of 2003?

15 A. Yes.

16 Q. Do you remember that conversation with
17 your parents?

18 A. Vaguely.

19 Q. What do you remember?

20 A. I remember them telling me that they
21 knew, and I remember them saying that they
22 weren't mad at me about it and that they were
23 sad that what had happened to me at John Dewey
24 had happened, that they thought it was terrible

1 what had happened.

2 Q. what did you say?

3 A. I don't remember how I responded. I
4 was probably pretty quiet about it.

5 Q. well, give me everything you can
6 recall.

7 A. I don't recall any words that I said.
8 I just remember not wanting to be having that
9 conversation.

10 Q. And this took an hour?

11 A. Well, we sat there and ate, and then
12 after we were done eating we left.

13 Q. Where did you go?

14 A. I don't remember where I went to after
15 the restaurant.

16 Q. Did you go to the beach?

17 A. I don't know where I went.

18 Q. well, according to your father, he and
19 your Aunt Holly picked you up, your mother
20 wasn't there, you went to a fast food
21 restaurant, a drive-through, got the food, sat
22 down at a table and had this conversation about
23 what they knew. That's not what you're telling
24 me.

Adam Helfand

177

1 A. No, that's not what I remember at all.
2 I remember having it at Mosey's, outside on the
3 back porch. They have an outdoor eating area,
4 and that's where I remember having the
5 conversation.

6 Q. So who's right, you or your father?

7 A. I don't know. In my memory it was
8 outside at Mosey's, and his memory, it could be
9 different, but that's what I remember.

10 Q. Now, did you have more than that one
11 conversation with your parents?

12 A. That's the only conversation I
13 remember.

14 Q. How long were they out there?

15 A. I don't remember. Maybe a few days.
16 I don't know. Maybe the whole time. I don't
17 remember.

18 Q. You had a conversation at this organic
19 restaurant, and they told you that they knew,
20 they didn't hold you at fault; is that right?

21 A. Yes.

22 Q. Now, they were in California for a few
23 days.

24 A. Okay.

Adam Helfand

178

1 Q. Is that what you told me?

2 A. I said I didn't remember. It could
3 have been a few days, or they could have been
4 out there the whole time. I don't remember.

5 Q. Did you talk to them at all during the
6 remainder of the visit about what had happened
7 between you and Gwen?

8 A. No. I think we stopped talking about
9 it. After that conversation, it wasn't really
10 brought up, to my knowledge. I don't remember
11 having another conversation about it while I was
12 out there.

13 Q. Well, what did they say to you about
14 your relationship with Gwen?

15 A. I don't remember what they exactly
16 said. The gist of what I remember them saying
17 was that they're not mad at me about it, but
18 they think what happened at John Dewey was
19 messed up, that it wasn't right.

20 Q. They blamed the school?

21 A. Correct.

22 Q. And you agreed with them?

23 A. Correct.

24 Q. They didn't blame you?

Adam Helfand

179

1 A. No.

2 Q. And neither did you?

3 A. Correct.

4 Q. Neither did your aunt?

5 A. Correct.

6 Q. Well, let me ask you this: Did you
7 tell your parents in March of 2003 that you had
8 been continuing to see Gwen right up until that
9 time?

10 A. I don't know if it came up or not. I
11 don't remember if that was discussed or not.

12 Q. Well, did you have a discussion with
13 them in California that March about suing John
14 Dewey Academy?

15 A. I don't remember having a conversation
16 about suing them during that trip.

17 Q. How soon did you have a conversation
18 with them about bringing a lawsuit after that
19 trip?

20 A. I don't really know.

21 Q. What's your best estimate?

22 A. Probably within -- my best estimate
23 would be a month, but I'm really unclear.

24 Q. Well, it was in March. Do you think

Adam Helfand

185

1 A. I believe to this day they knew what
2 was going on.

3 Q. Take a look, please, at page 151 of
4 the therapist's notes. Do you have that in
5 front of you?

6 A. Yeah.

7 Q. At the bottom of the page appear the
8 words "no one knew."

9 Do you see those words?

10 A. At the bottom?

11 Q. Yes.

12 A. Okay.

13 Q. That's the therapist's notes of your
14 meeting with her.

15 Did you tell the therapist in the
16 summer of 2003 that no one at the school knew
17 about what was going on with you and Gwen, yes
18 or no?

19 A. I don't remember my conversation with
20 the therapist, but nobody at the school was made
21 aware directly that we were having sex. I
22 didn't go up to the therapist and say that I was
23 having sex, and Gwen didn't tell the therapist
24 that I was having sex.

1 Q. Would you agree that you and she
2 engaged in a coverup?

3 A. Sure.

4 Q. And that's what you told the therapist
5 at page 153?

6 A. Where do you see that?

7 Q. At the top of page 153.

8 A. Those aren't my words.

9 Q. But you would adopt them. You just
10 did.

11 A. I would say that we tried to keep the
12 relationship secret.

13 Q. Now, as of August of 2003 when you
14 were visiting with this therapist, had you
15 engaged -- I think you said earlier you had
16 already talked about having a lawsuit; is that
17 right?

18 MR. HARDOON: Objection.

19 A. I don't know.

20 Q. Well, maybe I misunderstood you. I
21 asked you when, and you said, well, May or
22 perhaps June.

23 A. I said I didn't know when. I said it
24 could have been in those months, but I really

Adam Helfand

202

1 A. No, I don't think so.

2 Q. And did you tell anybody you were
3 doing this?

4 A. No.

5 Q. Now, when Gwen got back in the car,
6 did she talk about it?

7 A. I don't remember anything about it. I
8 barely remember the abortion. I have trouble
9 even discerning if it was a dream or if it was
10 reality. It's very foggy to me.

11 Q. Well, we're talking about an event
12 that occurred approximately three years ago,
13 late in 2002; is that true?

14 A. Around the time Vanessa was born.

15 Q. Vanessa was born in June.

16 A. Okay.

17 Q. How long after Vanessa was born did
18 you resume having sex?

19 A. I don't know.

20 Q. A month or two?

21 A. Shortly after.

22 Q. And do you recall her telling you at
23 some point that summer or fall that she was
24 pregnant?

Adam Helfand

303

VOL. 2

PAGES 303-566

EXHIBITS: 23-26

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Civil Action No. 04-11800-DPW

ADAM HELFAND, CARON HELFAND and

MITCHELL HELFAND,

Plaintiffs,

vs.

THE JOHN DEWEY ACADEMY, INC., THOMAS BRATTER,

CAROLE BRATTER, KEN STEINER and GWENDOLYN HAMPTON,

Defendants.

DEPOSITION OF ADAM HELFAND

Wednesday, December 21, 2005

9:10 a.m. to 3:40 p.m.

Prince, Lobel, Glovsky & Tye, LLP

585 Commercial Street

Boston, Massachusetts 02109

Court Reporter: Doris M. Jones, RPR

Adam Helfand

327

1 A. I disliked Tom Bratter and I didn't feel
2 comfortable with Ken Steiner and those were the only
3 two other people you could go to.

4 Q. The relationship became sexual around your
5 18th birthday?

6 A. Yes.

7 Q. You said there was an initial occasion and
8 then you went back on a second occasion and
9 ultimately on the second occasion you had
10 intercourse with her; is that correct?

11 A. Correct.

12 Q. I want to focus on the spring of 2000. Can
13 you give me some idea of how frequently you would
14 have any sexual contact with Gwen. Was it once a
15 week or twice a week?

16 A. After it became sexual it became frequent.

17 Q. One man's frequent is another man's not so
18 frequent.

19 A. I would say it was almost -- it was almost
20 every night unless there was something that would
21 come up that would prevent it.

22 Q. There was a regular plan that you would slip
23 over to her house most nights?

24 A. Most nights I spent having sex. Here and

Adam Helfand

328

1 there there were times when it didn't happen, but
2 the majority of the nights I spent with Gwen.

3 Q. How did you accomplish that around the fact
4 she had two children at home?

5 A. She would come out and we would have sex in
6 the car in front of Russell Street. But later on,
7 when she moved, then it would be in her apartment.

8 Q. Did you ever have sexual relations with her
9 on the John Dewey campus?

10 A. Yes.

11 Q. Was that when she was living in the carriage
12 house?

13 A. Yes.

14 Q. Was that after you had graduated?

15 A. No. Well, it was after I graduated but also
16 while I was a student.

17 Q. I want to stick, if we can for a minute, to
18 the junior year, the now what I'll call the spring
19 of junior year?

20 A. Okay.

21 Q. There was some discussion of a car, a campus
22 car that you would take to go to Gwen's house?

23 A. Yes.

24 Q. When you mentioned having sex in the car,

1 Q. She got pregnant and Vanessa was born,
2 correct?

3 A. Correct.

4 Q. You went back to having unprotected sex with
5 her after Vanessa's's birth, didn't you?

6 A. Yes.

7 Q. Weren't you concerned about her getting
8 pregnant again?

9 A. I didn't know she could get pregnant right
10 after a baby was born like that.

11 Q. At some point after Vanessa's birth, perhaps
12 in the summer or fall of 2002, you learned that she
13 was pregnant again, correct? She told you she was
14 pregnant?

15 A. Right.

16 Q. And how did you feel about that?

17 A. Pretty upset over it. Pretty emotionally
18 distraught over it.

19 Q. Was there a discussion about what to do
20 about that pregnancy?

21 A. Yeah.

22 Q. Did you suggest or advocate that an abortion
23 should take place?

24 A. Yes.

Adam Helfand

381

1 Q. Did she eventually agree?

2 A. Yes.

3 Q. Did you take her somewhere for that
4 procedure? Or go with her somewhere?

5 A. Yes.

6 Q. Where did you go?

7 A. I don't know.

8 Q. Well, did you leave the John Dewey Academy?

9 A. Yes.

10 Q. Did you drive in a car?

11 A. Yes.

12 Q. Did you leave the Commonwealth of
13 Massachusetts?

14 A. No.

15 Q. Did you go to Springfield, Massachusetts?

16 A. Possibly.

17 Q. Did you go into a facility where it took
18 place or did you simply drop her off and pick her
19 up?

20 A. To my best recollection, I dropped her off
21 and came back.

22 Could I take a break? I need to go to
23 the bathroom.

24 MR. ROTA: Okay.

Adam Helfand

399

1 Q. Seeing Gwen Hampton?

2 A. Yes.

3 Q. You mentioned a situation in which you had a
4 conversation with Ken Steiner in which you told him
5 that you were sexually attracted to Gwen; is that
6 correct?

7 A. Yes.

8 Q. Tell me again the circumstances surrounding
9 that.

10 A. What do you mean by circumstances
11 surrounding that?

12 Q. As I understand it, you and Gwen became
13 aware of the fact that there were people who were
14 starting to talk about something that may have been
15 going on between you, correct?

16 A. Correct.

17 Q. You had a conversation with Ken Steiner in
18 which you told him that you were attracted to Gwen;
19 is that correct?

20 A. Correct.

21 Q. Was that part of a conscious effort or plan
22 with you and Gwen to present this information in an
23 attempt to in some way disguise your relationship?

24 A. Yes.

Adam Helfand

400

1 Q. Tell me how that happened.

2 A. I don't remember exact conversations. I
3 just know that me and Gwen had discussion about we
4 -- or she thought it would be a good idea if I would
5 go and tell Ken that I was sexually attracted to her
6 because it would look like I was dealing with it and
7 we weren't hiding things.

8 Q. In your answer you initially said "we" and
9 you changed it to Gwen thought.

10 A. Right.

11 Q. Are you saying it was Gwen's idea?

12 A. It was Gwen but I went along with it.

13 Q. You went to Ken Steiner and told him you
14 were sexually attracted to Gwen?

15 A. Yes.

16 Q. How did he respond?

17 A. Like it wasn't a big surprise to him.

18 Q. What advice or recommendations did he have?

19 A. He didn't have very much to tell me. He
20 just sort of brushed it off, to my recollection.

21 Q. Was there any plan or proposal put in place
22 to try to deal with that situation?

23 A. No.

24 Q. To the best of your knowledge did he ever

Adam Helfand

473

1 and everything I could.

2 Q. Some things you didn't steal?

3 A. Correct.

4 Q. You never stole a car, did you?

5 A. No.

6 Q. Are you sure?

7 A. Not until I was actually -- well, did you
8 consider taking the school car stealing a car from
9 John Dewey?

10 Q. No.

11 A. Then no.

12 Q. You keyed a car, though?

13 A. Correct.

14 Q. You took a key and damaged the car?

15 A. Correct.

16 Q. And that was when you were living at home?

17 A. In Chicago, yes.

18 Q. And that's because you were mad?

19 A. Correct.

20 Q. The car belonged to Tiffany's brother?

21 A. No.

22 Q. But a guy who knew Tiffany?

23 A. Tiffany's sister's boyfriend.

24 Q. Got it. You were upset with him, were you?

Adam Helfand

474

1 A. Yes.

2 Q. So you damaged his car?

3 A. Correct.

4 Q. It cost about \$600 to fix it?

5 A. Correct.

6 Q. Who paid that?

7 A. My parents.

8 Q. Did you ever pay them back?

9 A. No.

10 Q. Now, you then say, "My girlfriend had
11 finally agreed to let me have sex with her but only
12 if I was wearing a condom. So I rode my bike to the
13 supermarket, pocketed a pack of condoms and a pack
14 of smokes." which girlfriend was that?

15 A. Tiffany.

16 Q. And is that the time that you referred to
17 yesterday where you were having sex that you didn't
18 finish?

19 A. No.

20 Q. Well, after you stole the condoms, as you
21 described it here, did you have sex with your
22 girlfriend?

23 A. No.

24 Q. Why not?

Adam Helfand

475

1 A. I got picked up for shoplifting.

2 Q. And your parents came to get you, did they?

3 A. Yeah, my parents had to come to the store.

4 Q. And what happened then?

5 A. They came to the store and then I was
6 supposed to ride my bike home.

7 Q. But you didn't; you went to your
8 girlfriend's house instead?

9 A. Correct.

10 Q. Why didn't you have sex with her then?

11 A. I didn't have the condoms I got caught
12 stealing.

13 Q. And the fact that you didn't have the
14 condoms is what made you not have sex with her; is
15 that true?

16 A. True.

17 Q. Because you didn't want her to get pregnant,
18 right?

19 A. Because she wouldn't have sex with me
20 without a condom.

21 Q. Oh, it was her decision?

22 A. Correct.

23 Q. Now, it then says, "My family life got
24 completely screwed up. I hung out with a bad group

Adam Helfand

476

1 of kids. I started getting in major trouble in
2 school. I was getting suspended a lot for mouthing
3 off and having a shitty attitude and causing a lot
4 of problems." You wrote those words?

5 A. Yeah.

6 Q. Were they true?

7 A. Reread it to me.

8 Q. Do you have the words in front of you?

9 A. I don't know where you're reading it.

10 Q. Just below the middle of the page. "My
11 family life got completely screwed up. I hung out
12 with a bad group of kids and started getting in
13 major trouble in school. I was getting suspended a
14 lot for mouthing off and having a shitty attitude
15 and caused a lot of problems."

16 A. Yes, that's true.

17 Q. And then you say, "My parents would bribe me
18 to go a month without a suspension." Was that true?

19 A. Yeah, they would reward me if I didn't get
20 in trouble at school.

21 Q. "And they would reward me and get me a bike
22 and pretty big stuff." Did they get you a bike?

23 A. They got me a bike, but I don't remember if
24 it was because I'd gone without getting in trouble

Adam Helfand

477

1 in school or not.

2 Q. Was that the motorbike?

3 A. No.

4 Q. When did you get the motorbike?

5 A. My freshman year of high school.

6 Q. Your parents bought you that, did they?

7 A. Yeah.

8 Q. That was before you were 16?

9 A. Yeah.

10 Q. And then you say, "I knew I controlled my
11 parents from this point on." Those were your words,
12 right?

13 A. Right.

14 Q. Did you feel at that time that you
15 controlled your parents?

16 A. I don't know what I was feeling at that
17 time.

18 Q. Can you tell me why you wrote that?

19 A. I don't know why I wrote that.

20 Q. Well, in fact, your parents were willing to
21 do almost anything for you to stay out of trouble;
22 isn't that true?

23 MR. HARDOON: Objection.

24 MR. STEINFELD: Good objection. Let

Adam Helfand

478

1 me try another question.

2 BY MR. STEINFELD:

3 Q. Your parents used to negotiate with you that
4 if you behaved they would give you some reward,
5 right?

6 A. Sure.

7 Q. So you would behave in order to get the
8 reward, right?

9 A. Sometimes, yes.

10 Q. And then you would go back to behaving
11 badly, correct?

12 A. Sometimes.

13 Q. And then they would reward you or bribe you
14 again, you would get the reward and then you would
15 go back to behaving badly; is that right?

16 A. I don't think that was right all the time.

17 Q. But that was the pattern you followed?

18 A. That could have been a pattern, yes.

19 Q. Let me ask you to turn to the page with 40
20 at the top. Here you say that "One of the first
21 times I actually got wasted was when I smoked
22 opium." Do you see those words? A third of the way
23 down the page.

24 A. Yeah.

Adam Helfand

485

1 not.

2 Q. Now, did you use your pager in connection
3 with your drug selling?

4 A. Yeah. Yeah, I think so.

5 Q. Your parents bought you a pager, right?

6 A. Yeah.

7 Q. Why did they buy you a pager?

8 A. So they could get in touch with me.

9 Q. This was before cell phones, was it?

10 A. I believe so.

11 Q. And did you return the calls when they paged
12 you?

13 A. Sometimes, yeah.

14 Q. Your mother wanted to know where you were,
15 did she?

16 A. I assume that's why she was paging me, among
17 other reasons.

18 Q. Well, did she page you to ask you to do
19 errands for her?

20 A. I can't recall why she would page me.

21 Q. Do you recall doing errands for your mother?

22 A. I don't remember.

23 Q. Did you ever have a part-time job when you
24 were living at home?

1 A. Yes.

2 Q. Did you follow that teaching?

3 A. Yes, sometimes.

4 Q. So if I understand what happened in this
5 particular episode, you stole things and then you
6 sold back what you had stolen. Is that what
7 happened?

8 A. I don't really remember what actually
9 happened.

10 Q. That's close enough. Let's go to the next
11 page. Now, could you read what you wrote at the top
12 of that page.

13 A. 48?

14 Q. Yes.

15 A. "No emotion or care. I ruined his house,
16 stole and then sold him back things I stole to get
17 more money from him. I did a lot of horrible shit
18 to him but I didn't realize that it was that bad. I
19 mistreated so many people. I got suspended from
20 school for beating up an Indian kid. I did it
21 because my brother told me to hate Hindus."

22 Q. Stop there. Do you remember beating up an
23 Indian kid?

24 A. I remember getting in a fight, yeah.

Adam Helfand

529

1 Q. Yes. Then if you read starting "I stole and
2 ripped people off."

3 A. I stole and ripped people off?

4 (Pause.)

5 A. Okay.

6 Q. Would you read that please?

7 A. "I stole and ripped people off to get what I
8 wanted. I stole wallets and purses at school and I
9 would rip people off when selling." I -- I can't
10 read that words.

11 Q. Raised?

12 A. "I raised my prices and tried to scam kids.
13 I got caught in school. I stole a purse that had
14 close to \$140 in it. The next day at school I came
15 in trashed. I used the money to get more drugs. My
16 friend Brian got questioned about it because the
17 girl said she thought it was either me or him.
18 Brian said the officer was looking for me so I left
19 school and dropped off all the illegal shit I had on
20 me and came back for gym. The officer took me out
21 of the class into the dean's office. There they
22 said they knew it was me. If I don't give back the
23 money and confess, they were going to press charges.
24 So I did but I didn't have the money. I spent it

Adam Helfand

530

1 all on drugs. I went to Eric's house and had to
2 borrow from his mom \$180. I paid the school and got
3 a long suspension, three or five days" -- I can't
4 read that word. Again. "Again I had gotten in
5 trouble for stealing. A few months later I got
6 thrown out of school for drugs."

7 Q. Why don't we stop there.

8 This episode about the \$140 and the
9 suspension and borrowing money from Eric's mother,
10 this all occurred in your last year in high school
11 in Illinois, right?

12 A. Right.

13 Q. And that's after you moved to Glenbrook
14 North?

15 A. Right.

16 Q. And your mother's testified that that was in
17 January of 1999 and that this episode happened early
18 in the year.

19 A. Okay.

20 Q. And you'll accept that?

21 A. I'll accept that.

22 Q. And you borrowed the \$180 to get out of
23 trouble. Were you arrested?

24 A. No.

Adam Helfand

531

1 Q. Were you punished?

2 A. I was suspended from school.

3 Q. Other than that?

4 A. Yeah, I think my parents punished me.

5 Q. What did they do?

6 A. I don't remember.

7 Q. Do you have any idea?

8 A. I don't think I was allowed to go out or do
9 anything while I was suspended, but I don't remember
10 the exact punishment.

11 Q. Well, who paid the \$180 back?

12 A. I did.

13 Q. Where did you get the money?

14 A. I think me and Eric sold drugs or pawned
15 stuff. I don't really remember. I don't remember
16 how we got the money. I just know me and Eric came
17 up with it somehow. I don't remember. I don't know
18 if I paid her back in full. I just know we
19 attempted.

20 Q. Well, did your mother ever bail you out by
21 paying your drug dealer for you?

22 A. Yeah.

23 Q. Do you remember that?

24 A. Yeah.